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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY -5 PM 12:00

UNITED STATES OF AMERICA, Plaintiff, v. **Rosalio ALATORRE, Jr, Oscar Ignacio BARRERA-Santana** Defendant(s)	Magistrate Case No. '08 MJ 1421 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation 8 U.S.C. 2

The undersigned complainant, being duly sworn, states:

On or about **May 1, 2008,** within the Southern District of California, defendant **Rosalio ALATORRE, Jr, and Oscar Ignacio BARRERA-Santana** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Javier BARBOZA-Bustos, Angel CALVA-Calva, Ermelindo OLLUA-Nava,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF **May 2008.**

Louisa Porter
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Rosalio ALATORRE, Jr.
Oscar Ignacio BARRERA-Santana

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Javier BARBOZA-Bustos, Angel CALVA-Calva,** and **Ermelindo OLLUA-Nava** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 1, 2008, at approximately 7:00 P.M., Border Patrol Agent McArthur and Senior Patrol Agent Muniz were performing assigned duties in Tecate, California. Agent McArthur was on foot near the intersection of Thing Road and Humpheries Extension. This area is located approximately 1/4 mile east and 1/4 mile north of the Tecate, California Port of Entry.

At approximately 7:25 P.M., Agent McArthur observed a white Chevrolet van with two occupants visible in the front passenger area traveling eastbound on Humphries Extension. Agent McArthur observed the white van travel eastbound for approximately 200 yards and make an abrupt turn south into a lot containing abandoned trailers. The van stopped at an abandoned trailer. The driver and passenger got out of the van. Several subjects then came from behind the trailer and got into the van. At this time, Agent McArthur instructed other Border Patrol units to respond to the area to apprehend the two subjects who dropped off the white van, and to perform a vehicle stop on the white van containing the suspected illegal aliens.

The two subjects who dropped off the van later identified as the defendants **Oscar Ignacio BARRERA-Santana** and **Rosalio ALATORRE Jr**., walked north, away from the vehicle, towards the Humphries Extension. Agent McArthur maintained constant visual observation of the defendants from the time they dropped off the van until the time they were contacted on foot on Humphries Extension. Agent Muniz identified himself as a U.S. Border Patrol Agent, and placed both subjects under arrest at approximately 7:30 P.M. Both defendants, BARRERA and ALATORRE were transported to the Tecate Processing Center for further questioning.

The van that had loaded the suspected illegal aliens drove past the two subjects. At the same time Border Patrol agents were responding to the scene, and apparently startled the occupants of the van. The occupants bailed out of the van approximately 200 yards northeast of the location that it had loaded.

A National Guard infrared scope operator observed the occupants of the van bail out and attempt to conceal themselves in the surrounding brush. Border Patrol Agent Carreaga responded to the scope operator's observations and found sixteen subjects lying in the brush in an attempt to avoid detection. Agent Carreaga identified himself as a U.S. Border Patrol Agent and questioned all sixteen subjects as to their citizenship and nationality. All sixteen subjects that were found in the brush near the van admitted to being citizens and nationals of Mexico. They stated that they did not possess any immigration documents that would allow them to remain in the United States. All sixteen subjects were placed under arrest and transported to the Tecate Processing Center for further questioning.

DEFENDANT STATEMENT: Oscar Ignacio BARRERA-Santana

The defendant stated that he is a citizen and national of Mexico, The defendant stated that he presented his Border Crossing Card at the Tecate, California Port of Entry on May 1, 2008. The defendant initially stated that he and Rosalio ALATORRE Jr., walked to the abandoned trailer area from the Tecate, California Port of

Entry. The defendant then stated that he and ALATORRE crossed afoot and then went to the parking lot and picked up a white transport van. The defendant stated that ALATORRE told him that they were going to go find out how much the trailer houses cost. The defendant stated that when they arrived at the trailer houses, ALATORRE simply told him to get off the van and to start walking away from it.

The defendant denied knowing that the van they dropped off at the trailer houses was to be used for alien smuggling, and that he was not going to be paid for dropping off the white van.

DEFENDANT STATEMENT: Rosalio ALATORRE Jr.

The defendant stated that he is a citizen of the United States. The defendant stated that he had made smuggling arrangements on April 30, 2008, with a smuggler known as "Vico". The defendant stated that "Vico" called him on April 30, 2008 and told him to bring a van from Tijuana, Mexico to Tecate, California and drop it off at the parking lot because they needed to use a different van for his alien smuggling activities. "Vico" was to pay the defendant $150.00 for bringing the van used on today's smuggling event to Tecate, California. The defendant explained that he routinely brings vehicles (mainly transport vans) from Tijuana, Mexico and drops them off at the parking lot south of the Tecate Processing Center in Tecate, California. He further stated that he knows the vans are used for alien smuggling. The defendant stated that "Vico" pays other people besides him to pick up the vans at the parking lot and drop them off at different load up spots. The guides then jump into the van and drop off the smuggled aliens elsewhere. The smuggled aliens are later placed into tractor trailers and smuggled through the Highway 94 Checkpoint. The defendant stated that he currently buys vans in the San Diego, California and Tijuana, Mexico areas and sells them to "Vico" for his alien smuggling operations.

The defendant stated that on May 1, 2008, he received a call from Oscar Ignacio BARRERA-Santana, and told him that he was to go pick up a van which was to be used for alien smuggling and drop it off at an undisclosed location. BARRERA told the defendant that he had been stopped by the Border Patrol earlier in the week and that he did not want to go drop off the van by himself. BARRERA asked the defendant if he could help him drop off the van because he was afraid to drop it off by himself. The defendant stated that "Vico" was to pay him and BARRERA $400.00 ($200.00 each) for dropping off the van at the load up area.

The defendant stated that he has been involved in alien smuggling activities for about two and a half years now. He stated that he stopped dropping off vehicles after he was arrested for alien smuggling on October 5, 2006. The defendant stated that this was his first time dropping off a van in a long time. The defendant also stated that he doesn't know exactly how many times he has dropped off vehicles which were used for alien smuggling, but he guessed that he had done it about 15 times. The defendant stated that on this and all previous occasions that he had dropped off vehicles, he was aware that those vehicles were to be used for alien smuggling.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Javier BARBOSA-Bustos**, **Angel CALVA-Calva** and **Ermelindo OLLUA-Nava** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay between $1,700-$2,500 (US) to be smuggled into the United States.

CONTINUATION OF COMPLAINT:
Rosalio ALATORRE, Jr.
Oscar Ignacio BARRERA-Santana

Executed on May 3, 2008, at 10:00 am.

Irene Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 4 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 1, 2008**, in violation of Title 8, United States Code, Section **1324**.

Louisa S. Porter
United States Magistrate Judge

5/3/08 11:15 A.M.
Date/Time